

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0290-02
Bill No.: SB 182
Subject: Abortion; Bonds - Surety; Health Care; Health Care Professionals; Health
Department; Hospitals; Insurance - Medical; Medical Procedures and Personnel;
Physicians; Treasurer, State
Type: Original
Date: February 4, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Department of Conservation**, the **Department of Health and Senior Services**, the **Department of Economic Development**, the **Department of Insurance**, **Missouri Consolidated Health Care Plan**, and the **Department of Social Services** assume the proposed legislation would not fiscally impact their agencies.

Officials from the **Department of Highways and Transportation (DHT)** also responded on behalf of the **Missouri State Highway Patrol's** Medical Plan. The DHT officials stated this legislation pertains to requirements for physicians in the performance of an abortion and will have no impact to MHTC or the Highway & Patrol Medical Plan.

Officials from the **State Treasurer's Office (STO)** state should this proposal pass the STO would be required to accept the deposit of cash or securities. Therefore STO states one Accountant I with the corresponding expense and equipment would be needed to perform duties such as monitoring securities, issuing the required certificates, etc. STO estimates total costs to be \$40,320 in FY 04, \$44,884 in FY 05 and \$46,007 in FY 06.

ASSUMPTION (continued)

Oversight assumes most physicians will maintain medical malpractice insurance in excess of that required in this proposal. Therefore, **Oversight** assumes that only a few physicians would be depositing cash or bonds with the State Treasurer's Office and for those few physicians, STO could absorb the extra duties.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (6 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (6 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal requires informed consent at least twenty- four hours prior to an abortion and any person performing an abortion must provide proof of financial responsibility.

The current language of Section 188.039, RSMo, regarding consent is deleted. Except for a medical emergency, new language requires a physician to confer with the patient regarding the benefits and risks of the procedure at least twenty-four hours prior to the abortion. For an abortion induced by drugs, the conference must take place at least twenty-four hours before prescribing the drugs. The patient must be screened for risk factors prior to or during the conference.

At the conclusion of the conference, the physician and patient must each sign the consent form that certifies the screening and discussion. The form will become part of the patient's medical file and will remain confidential. The Director of the Department of Health and Senior Services must develop a model consent form for physicians. However, lack of a model form will not affect the physician's duties to obtain consent.

Description (continued)

A new Section 188.043 is created and requires any person performing an abortion to provide proof of financial responsibility to the Department. Proof of financial responsibility means any of the following: Filing with the Department a written certificate for a medical malpractice insurance policy with limits of not less than five hundred thousand dollars per occurrence and one million dollars in the annual aggregate; Filing with the Department a bond of a surety company with limits of not less than five hundred thousand dollars per occurrence and one million dollars in the annual aggregate; Filing with the Department a certificate of the state treasurer attesting to the deposit of five hundred thousand dollars in cash or bonds.

The Department must annually receive verification that the insurance policy or surety bond is effective without any decrease in the amount of coverage or the amount of the bonds. Insurance and surety companies must provide notice to the Director of the Department within ten days prior to the cancellation of a medical malpractice insurance policy or a surety bond. Prior to any withdrawal, the state treasurer must receive a certificate from the Department verifying that proof of financial responsibility has been established by either a medical malpractice insurance policy or a surety bond.


Abortion facilities and hospitals are prohibited from employing any person performing abortions who has failed to furnish proof of financial responsibility.

The provisions of Section 188.043 will take effect on January 1, 2004.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Highways and Transportation
Department of Health and Senior Services
Department of Social Services
Missouri Consolidated Health Care Plan
Department of Insurance
Missouri Department of Conservation
Department of Public Safety - Missouri Highway Patrol
Department of Economic Development
State Treasurer's Office



Mickey Wilson, CPA
Director
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